

IN THE HIGH COURT OF JUSTICE

HQ01X03461

QUEEN'S BENCH DIVISION

Cor: Mr. J. Goudie QC (sitting as a Deputy Judge of the Queen's Bench Division).
BETWEEN:



MID-BEDFORDSHIRE DISTRICT COUNCIL

Claimant

- and -

FRED SMITH & OTHERS

PERSONS UNKNOWN

Defendants

ORDER

If you do not obey this order you will be guilty of contempt of court and you may be sent to prison

UPON THE CLAIMANT'S APPLICATION for an injunction under s. 187B of the Town and Country Planning Act 1990

AND UPON HEARING Counsel for the Claimant (David Elvin QC and Graeme Keen) and Counsel for some of the Defendants (Stephen Cottle for [see Schedule 1] and Marc Willers for [see Schedule 2]), other Defendants appearing in person or being not present

AND UPON READING the evidence before the Court and upon hearing the witnesses for the parties

IT IS ORDERED:

1. That the following individuals be added as Defendants to this action:

A handwritten signature in black ink.

Adele Boswell – 70th Defendant

Helen Anne Boswell Junior – 71st Defendant

Susan Cooper Junior – 72nd Defendant

Diane Davies – 73rd Defendant

Amber Yelding – 74th Defendant

Sam Vindam – 75th Defendant

Archie Brown – 76th Defendant

Lavinia Hughes – 77th Defendant

and that service of proceedings be dispensed with as against the said 70th – 77th Defendants.

2. An injunction be granted pursuant to s.187B of the Town and Country Planning Act 1990 requiring the Defendants to remedy all outstanding breaches of planning control and to comply with the requirements of the Enforcement Notice dated 1 October 1998 (local authority reference 35/EN/98/19) in respect of the land known as Woodside Caravan Site, Hatch ("the Site") shown edged red on the plan annexed to this Order ("the Plan"), and in particular IT IS ORDERED that:

(1) the Defendants shall by 1 November 2002 -

(a) cease using the Site for residential occupation;

(b) cease using the Site for -

(i) the siting of caravans, motor-caravans and/or motor-homes;

(ii) the siting of vehicles, equipment, plant, machinery and/or structures

(c) cease the construction on the Site of any sheds, buildings, other structures (whether of a permanent or temporary nature) and/or of any hard standings and/or hard surfaces;

- (d) remove all vehicles caravans, motor-caravans and/or motor-homes from the Site;
 - (e) demolish and remove from the Site all buildings and other structures whether of a permanent or temporary nature;
 - (f) remove all areas of hard standing and other hard surfacing from the Site and restore the Site so that it shall be suitable for agricultural use.
- (2) references above to any use, activity or operation shall be to causing or permitting the same
- (3) The Defendants who shall cease using and/or vacate any part of the Site in accordance with the above order shall not at any time occupy or use as a residence (whether temporary or otherwise), or station or store caravans, motor-caravans and/or motor-homes and/or any structure, vehicles, plant and/or equipment on any other part of the Site.

3. The Court further orders that not earlier than 1 November 2002 –

- (1) the Claimant, its employees agents and contractors, subject to giving 2 days' prior notice in writing to the occupiers of the Site, be authorised to enter onto the Site to carry out the works required to remedy the outstanding breaches of planning control and to restore the Site in accordance with the abovementioned Enforcement Notice of 1 October 1998 and all necessary and incidental works thereto,
- (2) the Defendants be restrained from preventing, obstructing, hindering or in any way interfering with the Claimant, its employees agents and contractors in carrying out the works referred to in 3(1) herein.

4. The above orders at paragraphs 1 and 2 herein shall be stayed as against the Schedule 2 Defendants and as against that part of the Site shown hatched green on the Plan ("the Green Land") pending the

determination of the planning application (local authority reference 35/01/0382) relating to the Green Land.

5. The Court further orders that for the duration of the said stay the Defendants shall not station, store (or cause or permit to be stationed or stored) on the Green Land any caravans, motor-caravans or motor-homes permitted except to the extent that there shall be permitted to be sited no more than 12 caravans, motor-caravans and/or motor-homes on the Green Land (no more than 3 per plot on each of the 4 plots marked 1, 2, 2A, 3 on the Plan).
6. There shall be permission to all parties to restore the hearing in respect of the injunction so far as it concerns the Green Land whether to apply to discharge or modify the injunction or to lift or modify the terms of the stay.
7. Permission to appeal to the Court of Appeal be refused
8. No order for costs as against the Schedule 2 Defendants
9. The Defendants other than the Schedule 2 Defendants shall pay the Claimant's costs, and in respect of those Defendants in receipt of public funding:
 - a. the determination of liability for costs be postponed upon further application
 - b. there be a detailed assessment of the Defendants' publicly funded costs

Dated: 26/6/02.

If you do not understand anything in this order you should go to a Solicitor, Legal Advice Centre or a Citizen's Advice Bureau

SCHEDULE 1 - LIST OF DEFENDANTS

REPRESENTED BY Mr. STEPHEN COTTLE

(“LSC” = Publicly Funded, “PP”= Private Payer”)

Leanne Codona (12th Defendant) occupier of Plot 7 LSC
George Boswell (20th Defendant) occupier of Plot 9 PP
Helen Anne Boswell Senior (32nd Defendant) occupier of Plot 9 PP
Adele Boswell (70th Defendant) occupier of Plot 9 LSC
Helen Anne Boswell Junior (71st Defendant) occupier of Plot 9 LSC
Frank Cooper (18th Defendant) occupier of Plot 11 PP
Susan Cooper Senior (4th Defendant) occupier of Plot 11 PP
Susan Cooper Junior (72nd Defendant) occupier of Plot 11LSC
Terry Davies (19th Defendant) occupier of Plot 12 PP
Diane Davies (73rd Defendant) occupier of Plot 12 PP
Simon Knights (13th Defendant) occupier of Plot 7 LSC
William Smith (36th Defendant) occupier of Plot 17 PP
Ruby Bell (5th Defendant) occupier of Plot 22 LSC
Carol Yelding (6th Defendant) occupier of Plot 23 PP
Amber Yelding (74th Defendant) occupier of Plot 23 LSC
John Friend (14th Defendant) occupier of Plot 24 PP
John Smith (7th Defendant) occupier of Plot 25 PP
Julie Smith (42nd Defendant) occupier of Plot 25 PP
Robert Knowles Junior (17th Defendant) occupier of Plot 27 LSC
Angela Knowles Junior (16th Defendant) occupier of Plot 27 LSC
Martin Smith (43rd Defendant) occupier of Plot 26 PP

SCHEDULE 2 – LIST OF DEFENDANTS

REPRESENTED BY Mr. MARC WILLERS

Patrick Doherty (59th Defendant) - occupier of Plot 1

Frank Doherty (21st Defendant) - occupier of Plot 1

Mary Doherty (22nd Defendant) - occupier of Plot 1

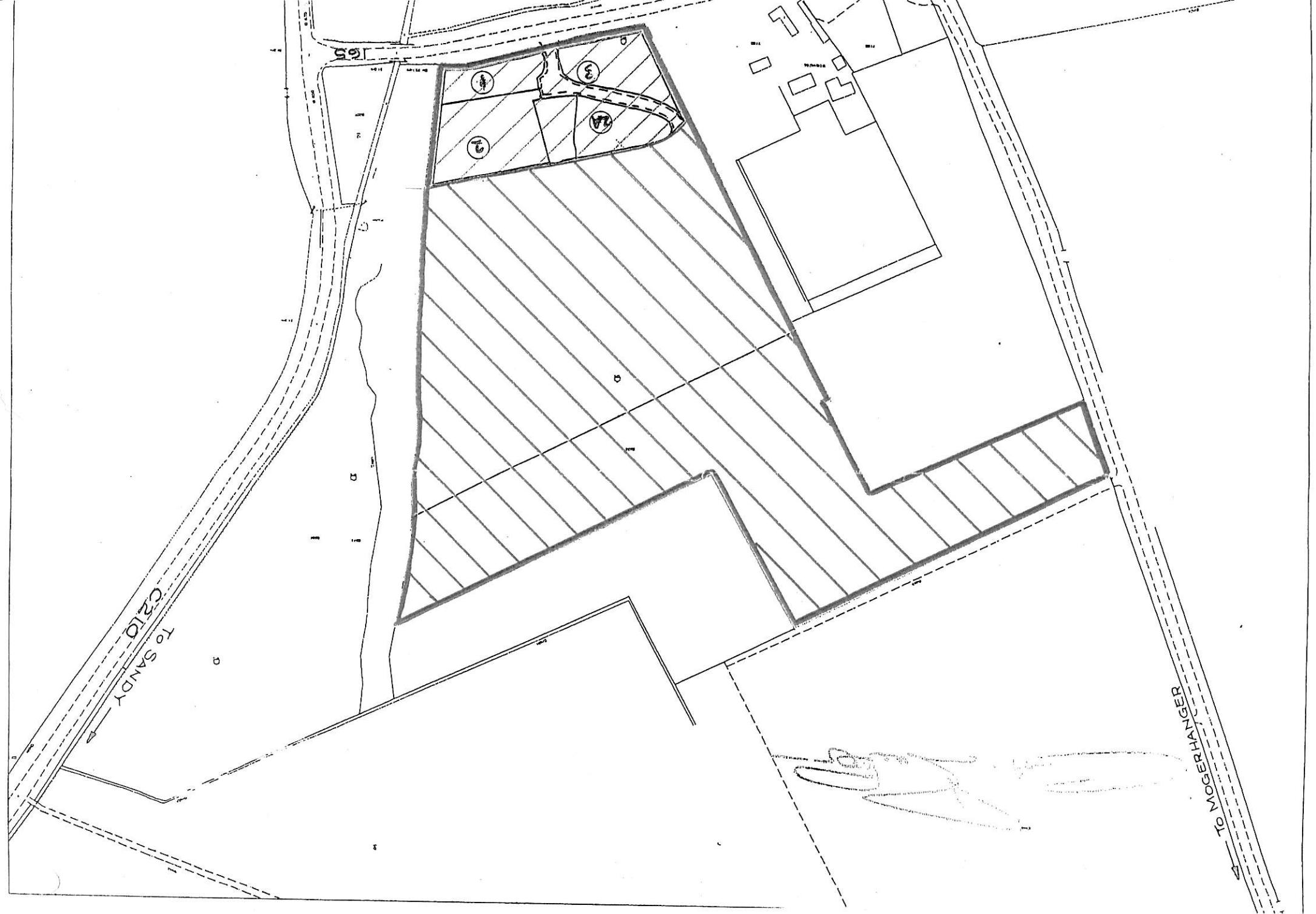
— Abraham Howard (23rd Defendant) - occupier of Plot 2

Pamela Howard (2nd Defendant) - occupier of Plot 2

— Lennie Smith (60th Defendant) - occupier of Plot 2A

Billy Price (25th Defendant) - occupier of Plot 3

Laura Price (26th Defendant) - occupier of Plot 3





Mid Bedfordshire District Council

Town and Country Planning Act 1990 (as amended)

PLANNING ENFORCEMENT NOTICE

Ref: 35/EN/98/19

Location: Woodside Caravan Park
Thorncote Road
Hatch
Northill
Beds

Scale 1:2500

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OS LICENCE No. L.A. 07A

Land subject to Enforcement Notice



Land to North



Land to South



Plots numbered 1 - 3



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